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5 Attorney for Plaintiff
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7 IN THE UNITED STATES DISTRICT COURT
8 OF THE
9 NORTHERN MARIANA ISLANDS

10 KAMALA BADE MESIK,

11 CIVIL ACTION NO. 07-0019

12 Plaintiff

13 v.

14 DKK INC. AND KIM HONG KYUN

15 Defendants

16 DECLARATION OF JAVIER M.
17 ATALIG JR.

I, Javier M. Atalig, Jr. hereby depose and say:

1. I am of legal age and not a party in the above-entitled matter;

2. I have worked as a process server for almost 4 years and have served documents to more than one hundred different parties in both the CNMI and Guam;

3. On May 25, 2007, I went to the Law Offices of Danilo T. Aguilar in San Jose where I was asked to serve a summons and complaint for the above matter;

4. Later in the same day of May 25, 2007, I went to DKK Poker in Koblerville to serve DKK Inc. and Kim Hong Kyun;

1 5. When I arrived, at DKK Poker, I saw a lady who identified
2 herself as the cashier and I asked her if she can accept service for DKK Inc. and
3 Mr. Kim Hong Kyun. She said, "No, I can't take any document."

4 6. I asked the poker cashier where could I find the boss. She told
5 me that he is outside. I went outside of the poker room and into the P.A. laundry
6 where I located the lady attendant. I asked her where is the boss of the DKK
7 Poker. She pointed to a Korean guy;

8 7. I approached the Korean guy who identified himself as Jin
9 Guang Ri and asked if he can receive service for DKK Poker. He answered yes. I
10 then served the summons and complaint for DKK Inc. and Kim Hong Kyun;

11 8. I went back to the office of Atty. Aguilar and reported to Atty.
12 Aguilar that I had served the documents. He advised me to go back and serve a
13 person, who is an authorized agent to receive the documents;

14 9. On or about May 30, 2007, I went back to DKK Poker to serve
15 DKK Inc. and Kim Hong Kyun;

16 10. When I walked into the poker room, I saw a guy opening up the
17 poker machine because two players had won a Jackpot prize. The man identified
18 himself as Adonis E. Munez;

19 11. I asked Mr. Munez if he can accept service for DKK Inc. and
20 Kim Hong Kyun. He answered, yes;

21 12. Since I had been instructed to serve the documents to an
22 authorized agent and because Mr. Munez stated that he was the night manager and
23 could accept service and that he was opening poker machines, making money

1 payouts, and appeared to be the agent for DKK, I was confident that when I served
2 the summons and complaint to Mr. Munez, it was a good service;

3 13. I made it clear also to Mr. Munez that the documents must be
4 received by the Defendants or he will be held liable for it. Mr. Munez assured me
5 that he will give the documents to Mr. Kim Hong Kyun and that he will give me a
6 call once Mr. Kim has received the documents;

7 14. On Friday morning, June 01, 2007, Mr. Munez left a message at
8 my voice mail informing me that he already gave the summons and complaint to
9 Mr. Kim;

10 15. On or about June 08, 2007, I got a call from the Law Offices of
11 Atty. Aguilar asking me to deliver a letter to Mr. Kim Hong Kyun that states on
12 the receiving copy, "In reply to Mr. Kim, Hong Kyun's letter dated June 02,
13 2007."

14 16. On June 12, 2007 at around 2:20 p.m., I served the said letter
15 from Atty. Danilo T. Aguilar, by personally giving it to Mr. Kim Hong Kyun at
16 P.A. Laundry in Koblerville. Mr. Kim Hong Kyun told me that when he read the
17 letter that he already knew about the case and that his lawyer is taking care of it.

18 I declare under penalty of perjury under the laws of the United States
19 of America that the foregoing is true and correct, and to the best of my knowledge.

20 Declarant sayeth naught.

21 Executed this 21 day of December 2007 at Saipan, CNMI.

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JAVIER M. ATALIG JR.